

REMARKS

Claims 1, 2, 4-6, 8-10, 12-17, and 19-24 are pending in the action, with claims 1, 6 and 10 being independent. Claims 1, 6 and 10 are amended. No new matter has been added.

Claims 1 and 5 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over USP No. 6,587,454 to **Lamb** in view of USP No. 7,023,868 to **Rabenko**.

Claim 2 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over **Lamb** in view of **Rabenko**, and further in view of USP No. 6,574,213 to **Anandakumar**.

Claim 4 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over **Lamb** in view of **Rabenko**, and further in view of US Pub. No. 2006/0072552 to **Shnitzer**.

Claim 6 and 10 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over **Lamb** in view of **Shnitzer**, and further in view of **Rabenko**.

Claims 8 and 9 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over **Lamb** in view of **Shnitzer**, and further in view of **Anandakumar**.

Claims 12-16 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over **Lamb** in view of **Shnitzer** and **Rabenko**, and further in view of **Anandakumar**.

Claim 17 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over **Lamb** in view of **Shnitzer**, **Rabenko** and **Anandakumar**, and further in view of USP No. 6,449,269 to **Edholm**.

Applicant respectfully traverses these rejections. Reconsideration and allowance of the above-referenced application are respectfully requested in light of the following remarks.

Section 103(a) Rejections

Claim 1 is rejected as allegedly being unpatentable over **Lamb** in view of **Rabenko**.

A. Lamb and Rabenko Do Not Teach Or Suggest One Or More MACs Being Distinct And Separate From A Voice-over-Internet Protocol Processor Core

Claim 1, as amended, recites in part one or more IEEE 802.3 media access controllers (MACs) coupled to a Voice-over-Internet Protocol processor core, the one or more MACs being

separate from the Voice-over-Internet Protocol processor core.

The Examiner has identified Lamb's MAC/DSP circuits 73 as the claimed Voice-over-Internet Protocol processor core (see, page 2, item 2 of Office Action). As explicitly described in Lamb, the medium access controller (MAC) component of the MAC/DSP circuit is a standard MAC specified by the IEEE as the 802.x standard (6:25-29) MAC. Lamb further describes this MAC component as supporting 100 megabit Ethernet according to IEEE standard 802.3u (6:30-31). Lamb, however, does not teach or suggest a Voice-over-Internet Protocol processor core being separate from one or more IEEE 802.3 media access controllers, as recited in amended claim 1. Rabenko does not remedy the deficiencies in Lamb at least because the Examiner has not identified one or more IEEE 802.3 media access controllers in Rabenko.

B. Lamb and Rabenko Do Not Teach Or Suggest The Claimed Features Are Each Integrated Onto A Same Chip As A Voice-over-Internet Protocol Processor Core

Claim 1 further recites a repeater, one or more communication ports and one or more IEEE 802.3 MACs that are each integrated onto a same chip as a Voice-over-Internet Protocol processor core.

The Examiner admits that Lamb does not teach that the claimed components are each integrated onto a same chip as a Voice-over-Internet Protocol processor core, and relies wholly on Rabenko to cure these deficiencies of Lamb.

Applicant respectfully submits that Rabenko does not remedy the deficiencies in Lamb. While the Examiner has identified Rabenko's voice and data processor 160, data SRAM 164 and program SRAM 162 as being implemented on a single-chip architecture, Applicant respectfully asserts that claim 1 is allowable over Rabenko at least because Rabenko does not teach or suggest a repeater and one or more communication ports that are coupled to the voice and data processor 160 and integrated onto a same chip as the voice and data processor 160. Indeed, Applicant respectfully asserts that the Examiner has failed to provide any indication where in the Rabenko reference Applicant's claimed "repeater" and "one or more communication ports" limitations are taught or suggested. For at least this reason, Applicant respectfully submits that

claim 1 is allowable.

C. The Alleged Motivation Is Not Supported By Lamb

In the statement of rejection, the Examiner alleges the following motivation to modify Lamb using the teachings provided by Rabenko:

"The motivation ... is to provide a highly integrated solution implemented single chip that is compliant with the Data Over Cable Service Interface Specification (DOCSIS) such that the cable modem equipment built by a variety of manufacturers is compatible.

Applicant submits that Lamb does not support this motivation. The disclosure of Lamb does not discuss or even recognize any need for Lamb's network adaptor to be compatible with any manufacturer. In fact, Applicant respectfully submits that the alleged motivation as suggested in Rabenko is immaterial to Lamb's network adaptor. As described in Rabenko and noted by the Examiner, DOCSIS is "developed to ensure that cable modem equipment built by a variety of manufacturers is compatible, as is the case with traditional dial-up modems" (7:45-48). Indeed, as conventionally know, DOCSIS defines the communications and operation support interface requirements for data over cable system. DOCSIS permits the addition of high-speed data transfer to an existing Cable TV system, and is generally employed by many cable service providers to provide Internet access over existing hybrid fiber coaxial infrastructure. Applicant respectfully submits that one person of ordinary skill would not adopt the alleged motivation to modify Lamb using the teachings provided in Rabenko, as Rabenko's disclosure is directed to cable modems, while Lamb's disclosure is directed to network adaptors. Specifically, the problem being solved in Rabenko (i.e., providing a cable modem system in a wide area network capable of facilitating bi-directional communication with cable modems owned by subscribers) is not even remotely analogous to Lamb's objective for providing an adaptor that supports telephone signals and data signals over a local area network. Rabenko seeks to solve a different problem than Lamb's, and hence, there would be no motivation for one of skill in the art to use the teachings provided in Rabenko to modify Lamb.

Inevitably, the asserted motivation set forth by the Examiner appears to be based on

hindsight reasoning using the pending claims to reconstruct the claimed invention. At best, the Examiner has attempted to show only that the elements of the claimed invention are *individually* known without providing a *prima facie* showing of obviousness that the *combination* of elements recited in the claims is known or suggested in the art. As stated in **M.P.E.P. § 2143.01** under the subsection entitled "Fact that the Claimed Invention is Within the Capabilities of One of Ordinary Skill in the Art is Not Sufficient by Itself to Establish *Prima Facie* Obviousness", a statement that modifications of the prior art to meet the claimed invention would have been [obvious] because the references relied upon teach that all aspects of the claimed invention were *individually* known in the art is *not* sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. (citing *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993)).

For at least the foregoing reasons, Applicant respectfully submits that claim 1 is in condition for allowance. Claims 2, 4-5 and 19-23 depend from claim 1, and also are submitted to be allowable for the same reasons discussed with respect to claim 1.

Section 103(a) Rejections

Claim 6 is rejected as allegedly being unpatentable over Lamb in view of Rabenko, and further in view of Shnitzer.

Claim 6, as amended, recites in part a repeater integrated onto a single-chip Voice-over-Internet Protocol network processor, and one or more MACs being separate from the single chip Voice-over-Internet Protocol network processor.

As discussed above, neither Lamb nor Rabenko disclose or suggest these features. Shnitzer does not cure the deficiencies of Lamb and Rabenko at least because Shnitzer fails to teach or suggest any media access controller or repeater.

For at least the foregoing reasons, Applicant respectfully submits that claim 6 is in condition for allowance. Claims 8-9 depend from claim 6, and also are submitted to be allowable for the same reasons discussed with respect to claim 6.

Section 103(a) Rejections

Claim 10 is rejected as allegedly being unpatentable over Lamb in view of Rabenko, and further in view of Shnitzer.

Claim 10, as amended, recites in part a repeater integrated onto a single-chip Voice-over-Internet Protocol network processor, and one or more MACs being separate from the single chip Voice-over-Internet Protocol network processor.

As discussed above, neither Lamb nor Rabenko disclose or suggest these features. Shnitzer does not cure the deficiencies of Lamb and Rabenko at least because Shnitzer fails to teach or suggest any media access controller or repeater.

For at least the foregoing reasons, Applicant respectfully submits that claim 10 is in condition for allowance. Claims 10, 12-17 and 24 depend from claim 10, and also are submitted to be allowable for the same reasons discussed with respect to claim 10.

Conclusion

Applicant respectfully requests that all pending claims be allowed.

By responding in the foregoing remarks only to particular positions taken by the Examiner, the Applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, Applicant's arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist.

For all of the reasons set forth above, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicant's representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 06-1050 and please credit any excess fees to such deposit account.

Respectfully submitted,

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